

TELFORD & WREKIN LOCAL ACCESS FORUM

Minutes of the Annual General Meeting of the Telford & Wrekin Local Access Forum held on 28th April 2010 at 1.00 p.m. at Meeting Point House, Telford Town Centre, Telford

PRESENT: Peter Holt (Land Owner), Marilyn Pietroni (Telford Bridleways Group and the British Horse Society) Reg Potter (Telford & Wrekin Bicycle Users Group), Bruce Udale (Land Owner). Jim Roberts (Land Owner) Colin Winton (Telford Disability Forum), Marion Law (Rambler), Councillor Tracy Hope (Telford & Wrekin Council), Malcolm Morris (South Telford Rights of Way Project), Janet Mees-Robinson (British Carriage Drivers Association)

In Attendance: Jaswant Sidhu (Secretary and Senior Rights of Way Officer, Telford & Wrekin Council), Andrew Careless (Senior Rights of Way Officer, Telford & Wrekin Council) Maria Walker (Senior Conveyancer Telford & Wrekin Council) and Chris Corbett (Democratic Services Officer) Paul Fenn (West Mercia Constabulary) Keith Harris (Telford & Wrekin Highway Officer)

LAF – 01 ELECTION OF CHAIR

It was proposed, and seconded, that Peter Holt be nominated for the position of Chair of the Forum. The nomination was accepted, no other nominations were submitted and on being put to the vote by a show of hands it was :-

RESOLVED – that Peter Holt be elected as Chair of the Forum for 2010/11.

LAF – 02 APPOINTMENT OF VICE-CHAIR

It was proposed, and seconded that Marilyn Pietroni be nominated for the position of Vice-Chair of the Forum. The nomination was accepted, no other nominations were submitted and on being put to the vote by a show of hands it was :-

RESOLVED – that Marilyn Pietroni be appointed as Vice-Chair of the Forum for 2010/11.

LAF – 03 MINUTES

RESOLVED – that, subject to the STROWP comments in Minute LAF36 being attributed to Minute LAF35; the minutes of the meeting of the Forum held on 27th January 2010 be confirmed and signed by the Chair.

Matters Arising – It was hoped that information relating to outstanding Modification Orders would be included on the Council Web Site as soon as possible. Furthermore, it was anticipated that staff resources would be made available shortly to address the workload associated with the Modification Orders process.

LAF - 04 APOLOGIES FOR ABSENCE

Councillor Jill Seymour (Town & Parish Councils) Councillor Steve Bentley (Telford & Wrekin Council), Andrew Cutts (Land Owner and Severn Gorge Countryside Trust) Rachel Gibb (Telford Disability Forum), and Bob Alton (Rambler),

LAF – 05 MEMBERSHIP OF THE FORUM

(a) It was reported that, following the resignation of Mrs Sheila Hutchison from the Forum, a replacement representative of the Riders Association was required. The Secretary, Jas Sidhu, stated that he had received an application from Anthony Francis Jones of the _____ to fill the vacancy on the Forum.

RESOLVED that Anthony Francis Jones be appointed to the Forum as a replacement representative.

(b) An application for membership of the Forum had been received from the National Farmers Union nominating their representative, Sarah Faulkner, to the Forum

RESOLVED – that Sarah Faulkner as a representative of the National Farmers Union, be appointed to the Forum

(c) An application for membership of the Forum had been received from the Primary Care Trust (PCT) nominating their representative, Jenny Stretton, to the Forum

RESOLVED – that Jenny Stretton, as a representative of the Primary Care Trust (PCT), be appointed to the Forum.

LAF – 06 APPLICATION FOR A GATING ORDER

Andrew Careless outlined the background to the Gating Order process, and then introduced Paul Fenn from the West Mercia Constabulary, working as part of the Safer Neighbourhoods initiative, to the Forum. He was present to outline an application for a Gating Order to be considered at a location in Donnington.

A location plan was tabled that indicated the precise location of the site in Park Road / Cordingley Way, Donnington, Telford. There had been numerous reported incidents of crime and anti social behaviour in the immediate vicinity.

Applications would come before the Forum if they emanated from ASB Hotspots caused by a very high occurrences of ASB. There had been some 47 applications for Gating Orders since 2005 and the current application was the first to come before the Forum. This indicated the seriousness of the nature of the application and the high level of complaints received by the Police.

Following consideration by the Forum, there would be an extensive level of consultation with interested parties, the local school and the general public – via a letter dispatch to local properties.

The results of the consultation would be reported to the Forum

If the application was successful, two gates would be installed, one at either end of the alley way between Cordingley Way and Park Road. There would be notice on both gates to indicate contact numbers to which to report any issues. It would be proposed to close the gates for a period of 12 months with a review after the first 6 months.

It was decided to appoint a Sub Committee comprising Marion Law (Chair), Peter Holt, Tracy Hope and Janet Mees-Robinson to look at the results of the consultation exercise.

A Community Impact Statement would be provided by the Police, to be viewed in association with the application. The Police Authority would welcome the introduction of the Gating order as a tool to combat the rising level of Anti Social behaviour in the area.

LAF – 07 RIGHTS OF WAY IMPROVEMENT PLAN

Andrew Careless commented that a target date had been set for the ROWIP to be considered by the Council's Cabinet meeting on 22nd June 2010

He introduced Keith Harris from Telford & Wrekin Council, who had been working on the proposed Local Transport Plan 3. Forum members had been circulated with details of the current Consultation documents for the new Plan and were encouraged to send any comments direct to Mr Harris.

Maria Walker, Senior Conveyancer at Telford & Wrekin Council explained her role in the Modification Order process. She stated that it was hoped that an extra member of staff could be recruited to assist with the process.

Cllr Hope expressed some disappointment that resources had not yet been secured for the administration of the Modification Order (MO) process. She would speak to the Head of Governance at the Council, under who's responsibility the process fell.

She understood that there were some 65 MO applications outstanding and the issue required urgent attention. The average time taken for the MO process was 6 months per application. It was stated that other Local Authorities such as Shropshire Council had 2 dedicated officers working on MO applications.

A strongly worded letter, to be sent to the Council Chief Executive, had been drafted by Malcolm Morris following comments at the last meeting. The Secretary, Jas Sidhu, stated that a final version was available, and he would email the letter amongst LAF Members for comment before final dispatch.

Of equal concern was the fact that the Rights of Way Officers were having to use a Definitive Map dated 1965, which was based upon 1950's data and obviously did not shown any Telford New Town development. There was not a more up-to-date version available showing the Borough's Rights of Way clearly marked.

There was widespread concern amongst LAF Members regarding the need for a more up-do-date Definitive Map. **There was a call for a special meeting on the subject that would also be offered to senior officers at the Council to attend.**

LAF – 08 PERMISSIVE ROUTES

Cllr Tracy Hope asked the Vice Chair of the Forum, Marilyn Pietroni, to outline the content of a circulated paper on Permissive Routes.

The following is an extract from the paper explaining the nature of Permissive Paths.

Permissive Paths were not Rights of Way, they were Access Paths granted by landowners :

'A permissive path may be no more than a way, the use of which is not objected to by the landowner. But it may also be a way that has been the subject of a formal agreement between the landowner and a local authority. Such a way is sometimes referred to as a 'licensed' path: the agreement or license might provide for the way to remain available to the public for a stated period'.

Permissive paths can be closed without any legal process and the landowner can place restrictions on their use by certain user groups (eg cyclists) or at certain seasons (eg shooting/agricultural use).

ROLES AND RESPONSIBILITIES:

These may vary locally, according to specific agreements, but they depend on mutual respect and obligations between the parties.

The legal underpinning is as follows:

Local Authority: Discretionary. Varies according to each local landowner arrangement. LAs can and do provide supportive budgets for gates, signs and maintenance or can leave those responsibilities entirely to landowners, depending on significance of route and LA/ landowner's preferences. (my emphasis) The LA may make a formal agreement with the landowner.

Landowner/Occupier: Clears overhanging vegetation ; maintenance of gates, stiles etc . (Occupiers' Liability Act 1957/84) But Agreements with LAs may change these responsibilities as above.

Users: are 'visitors' who are owed 'a duty of care' in terms of liability of owners, but also (inevitably) owe 'a duty of respect' to the path and to the landowner who can otherwise withdraw the route.

Mapping: PPs can be notified to OS and shown as short/long dashes in the usual way (Other Routes with Public Access) but this is not obligatory. Routes shown/not shown on OS maps do not constitute evidence of a RoW, partly due to the discrepant rates of production of Definitive and OS maps and issues of updating nationally (p. 324 op cit).

IN PRACTICE:

Permissive paths may be donated by landowners to avoid granting a public right of way and are often a contentious issue between landowners and users. Closure by the landowner/occupier, however, where there is clear, strong evidence of 20 year use including maps and documentation, is likely to trigger a claim by user groups for a dedicated Right of Way and to lead to a Public Inquiry. Where Common Law is invoked, the 20 year time limit does not apply, but it is rarely used due to its vagueness

This was considered as positive public information, as there was much misunderstanding amongst the public regarding the status of permissive routes.

There was some debate as to whether the Permissive Paths (PP) was part of the remit of the LAF, but Andrew Careless pointed out the role of the LAF to look at all access matters. Andrew explained the status of the Definitive Map and stated that the PP process was a good start at getting a footpath route established for inclusion on the Definitive Map. Land Owners played an important role in making routes available via the PP process.

LAF – 09 FARM PARTNERSHIP SCHEMES.

Cllr Tracy Hope introduced the Farm partnership Schemes initiative to the LAF. In Nottingham there was a scheme whereby Land Owners were paid a nominal sum by the local Authority to maintain local footpaths in their area.

This was seen as a sensible approach to footpath maintenance but was in this first stages at T&W. It was hoped that the matter could be further discussed at the next meeting.

LAF – 10 VANDALISM TO RIGHTS OF WAY FURNITURE

Jim Roberts commented upon an incident of damage to RoW Furniture on 21st March. On that Sunday afternoon, at Keepers Cottage at Hatch, some fences were cut, rails were cut down and many horses were taken through the resultant gap in the fence line. He had informed the Council that it was an organised ride by Telford Bridleway Association but the riders had not followed the agreed route.

LAF - 11 ACTIVE TRANSPORT FOR LIFE

Jas Sidhu explained this initiative that was to encourage people to cycle to work

The Council, in partnership with NHS Telford & Wrekin, were promoting active travel for life projects, aimed at employees and businesses in local industrial areas. There would be opportunities to comment on proposals for walking and cycling infrastructure improvements. Sustainable travel grants would be available for businesses and free adult cycle raining would be available for employees of businesses.

Reg Potter commented upon the cycling difficulties encountered at Horton Lane, due to leaves on the ground. The Horton Cycleway had also presented difficulties due to its interrupted surface caused by kerbstone issues.

LAF – 12 ANY OTHER URGENT BUSINESS

- Keith Harris commented upon the ongoing consultation on the Local Transport Plan 3 and encouraged LAF Members to contribute to the consultation via the circulated forms issued prior to the meeting and also tabled.
- Quiet Lanes in Little Wenlock – Tracy Hope to establish and lead on a Sub Group to work with other partners and discuss the matter of Quiet Lanes.

LAF – 13 DATE OF NEXT MEETING

It was suggested that the next meeting of the Local Access Forum be held on Tuesday 7th September 2010 at Civic Offices, Telford – subject to confirmation.

Meeting finished at 3.04 p.m.

Chair _____

Date _____